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Toll Holdings Ltd
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Major Hazards Advisory Committee
C/- Planning Panel Victoria
Level 5, 1 Spring Street
Melbourne Vic 3000
Attention: Mr Nick Wimbush

Dear Mr Wimbush

Re: COMMENTS TO MAJOR HAZARD FACILITIES ADVISORY COMMITTEE: DISCUSSION PAPER

The Toll Group welcomes the opportunity to provide comment to Planning Panels Victoria's Major Hazard Facilities Advisory Committee, in preparation for the discussion paper on this issue.

The following comments are directed to the matters to be addressed by the Advisory Committee, as specified in item 4 of the Terms of Reference.

- a. *The issues and challenges for Victoria's land use planning framework in protecting the safety and amenity of residents and businesses in areas surrounding MHFs and ensuring the ongoing viability of MHFs.*

The single biggest issue facing Victoria's land use planning framework with regard to major hazard facilities (MHF) is that of encroachment.

The present framework appears to consider the impact on neighbouring properties as part of the assessment of any planning application for a new or modified (MHF) but does not appear to apply the same assessment process to an application for any form of development, including residential or community buildings in the vicinity of an existing MHF. The result of this is the granting of planning approvals that place the residents and the larger community at risk and threaten the viability of the MHF.

In order to protect the neighbouring community in the event of a major incident, MHF are required to ensure appropriate separation distances are maintained between the MHF and neighbouring occupancies, particularly residential premises, protected places and sensitive land uses such as hospital, schools, retirement homes and day-care centres.

When planning approvals are granted that allow developments to encroach on these required separation distances, not only are users of the new developments placed at risk, the MHF faces potential licence implications as they are no longer able to meet the required separation distances.

- b. *The role of the land use planning system in mitigating any potential adverse impacts on local communities from MHFs and any potential adverse impacts of urban growth and renewal on MHFs.*

The land use planning system has a responsibility to the community at large by preventing inappropriate development that could have an adverse impact on the public and/or industry, whilst at the same time promoting growth. Heavy industry, including MHF is a vital part of urban growth and community living standards. It provides employment opportunities to local residents and helps support the local economy.

To ensure the interests of both the community and industry are protected, the land use planning system should establish and maintain a safety buffer zone around MHF. Land use within this buffer zone should be restricted to prevent the granting of planning permits for inappropriate development.

- c. *Approaches and measures to address the identified issues and challenges, including potential improvements to the way land use planning can complement other regulatory frameworks that aim to protect the safety and amenity of residents and businesses in areas surrounding MHFs, and the role of State, local government and relevant agencies, such as WorkSafe and the Environment Protection Authority.*



The easiest and most efficient way to improve the planning system to identify and mitigate the potential adverse impacts from ill-informed or poor planning decisions would be an extension of the current 'overlay' system to include new Hazardous Industry Overlay. Overlays are already an integral part of the planning system and are used to prevent various types of land use within the overlay area. A new Hazardous Industry Overlay could be used to define a safety buffer around the MHF. The overlay should extend from the boundary of the MHF to the 10^{-6} or 10^{-7} risk contour, as determined via modelling included in the Safety Case risk assessment.

The following is a suggested process as to how the Hazardous Industry Overlay for a specific site could be determined:

1. When an MHF Notification is received by the Victorian WorkCover Authority (WorkSafe), WorkSafe to notify council of the MHF Notification and of a potential future overlay, including an initial estimate of the extent of the overlay
2. Council to set impose interim overlay and liaise with WorkSafe if any planning applications are received that fall within the interim overlay area
3. If site is determined to be an MHF – WorkSafe to notify council of risk contours once completed Safety Case has been assessed
4. Council to formalise overlay as per risk contour in the Safety Case

Note: if WorkSafe do not Determine the site as an MHF, there should still be an opportunity for WorkSafe to request a suitable Overlay area to allow future growth of the site.

The benefit of extending the existing overlay system already used within the planning scheme is that it does not rely on referral of planning applications to WorkSafe. In addition to being time consuming, the referral process relies on WorkSafe having the resources available to assess the referred applications. This is not a core function of WorkSafe and places a strain on their resources. The necessary separation distances from the MHF to neighbouring developments and protected properties is determined as part of the MHF Safety Case assessment. This is a long and detailed process and one which local Council are already engaged and consulted on. To go through the process again every time a planning application referral is received is not an efficient use of WorkSafe resources or expertise.

- d. *The information and tools required to support appropriate, timely and consistent land use planning decisions for areas surrounding major hazard facilities, including criteria for land uses that are appropriate in areas surrounding MHFs, and the most effective way to implement these.*

Please refer to response to e. above.

Toll looks forward to the opportunity to provide a submission on the discussion paper once released.

Should you have any questions or wish to discuss the above comments, please contact the undersigned.

Yours faithfully

Debra KIRK

Group Dangerous Goods and Hazardous Substances Manager

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